

IFW



PATENT

Attorney Docket No. A-72170-1

Dorsey File No. 460930-00010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SPANGLER et al.

Serial No.: 10/805,683

Filing Date: March 10, 2004

For: *Multifunctional Photodynamic Agents
for Treating of Disease*

Examiner: Not Yet Assigned

Art Unit: 1616

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with sufficient postage with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on:

Dated: August 12, 2004

Signed: Careyna Peralta
Careyna Peralta

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO/SB/08A-B, Substitute for form PTO 1449. In accordance with 1273 Off. Gaz. Pat. Off. 1, 8/5/2003, no copies of U.S. patents and U.S. published applications are enclosed. Copies of all other references are enclosed.

None of the foregoing references is believed to disclose the invention as claimed. Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the

Serial No.: 10/805,683
Filing Date: March 10, 2004

reference constitutes prior art against the invention claimed in the above-identified application.

Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

As far as is known to the undersigned, this Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national state in an international application, or before the mailing date of a first Office Action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required.

While no further fee is believed to be due, if this belief is in error, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. 460930-00010 (A-72170-1/RMS)).

Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

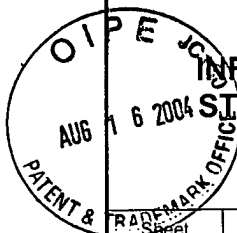
Respectfully submitted,
DORSEY & WHITNEY LLP

Dated: 8/12/04
Dorsey & Whitney LLP
Intellectual Property Department
Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989
Facsimile: (415) 398-3249

BY: Robin M. Silva
Robin M. Silva, Reg. No. 38,304

Customer Number: 32940

Attachments:
Form PTO/SB/08A-B, Substitute for form PTO 1449
17 references



Substitute for form 1449A/PTO (Modified)		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/805,683
		Filing Date	March 10, 2004
		First Named Inventor	SPANGLER, Charles W.
		Art Unit	1616
		Examiner Name	Not Yet Assigned
Sheet 1 of 2	Attorney Docket Number	A-72170-1	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	2003/0105070 A1	06-05-2003	Nickel et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document Country Code ² Number ² Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	B1					

NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T ⁶
	C1	ACHILEFU, S., et al., "Novel Receptor-Targeted Fluorescent Contrast Agents for In Vivo Tumor Imaging", Investigative Radiology, 2000, 35(8):479-485.				
	C2	BECKER, A., et al., "Macromolecular Contrast Agents for Optical Imaging of Tumors: Comparison of Indotricarbocyanine-labeled Human Serum Albumin and Transferrin", Photochemistry and Photobiology, 2000, 72(2):234-241.				
	C3	BECKER, A., et al., "Receptor-targeted optical imaging of tumors with near-infrared fluorescent ligands", Nature Biotechnology, 2001, 19:327-331.				
	C4	FISHER, W.G., et al., "Simultaneous Two-Photon Activation of Type-I Photodynamic Therapy Agents", Photochemistry and Photobiology, 1997, 66(2):141-155.				
	C5	FLANAGAN JR., J.H., et al., "Functionalized Tricarbocyanine Dyes as Near-Infrared Fluorescent Probes for Biomolecules", Bioconjugate Chem., 1997, 8:751-756.				
	C6	FRECHET, J.M.J., et al., "Dendrimers and Other Dendritic Polymers", Chichester: John Wiley & Sons, Ltd., 2001.				
	C7	GODAR, D.E., "Light and Death: Photons and Apoptosis", J. Investigative Dermatology Symp. Proc., 1999, 11:17-23.				
	C8	GOYAN, R.L., et al., "Near-Infrared Two Photon Excitation of Protoporphyrin IX: Photodynamics and Photoproduct Generation", Photochemistry and Photobiology, 2000, 72(6):821-827.				
	C9	KAROTKI, A., et al., "Efficient Singlet Oxygen Generation Upon Two-Photon Excitation of New Porphyrin With Enhanced Nonlinear Absorption", IEEE J. Selected Topics in Quantum Electronics, 2001, 7(6):971-975.				
	C10	KESSEL, D., et al., "Determinants of PDT-Induced Apoptosis", Prog. Biomed. Optics, Proc. SPIE, 2001, 4248:132.				
	C11	LICHA, K., et al., "Synthesis, Characterization, and Biological Properties of Cyanine-labeled Somatostatin Analogues as Receptor-Targeted Fluorescent Probes", Bioconjugate Chem., 2001, 12:44-50.				
	C12	LICHA, K., et al., "Hydrophilic Cyanine Dyes as Contrast Agents for Near-infrared Tumor Imaging: Synthesis, Photophysical Properties and Spectroscopic In Vivo Characterization", Photochemistry and Photobiology, 2000, 72(3):392-398.				
	C13	MESHALKIN, Y.P., et al., "Two-photon excitation of aluminium phthalocyanines", Quantum Electronics, 1999, 29(12):1066-1068.				

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and selection option 2

<p>Substitute for form 1449A/PTO (Modified)</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(use as many sheets as necessary)</p>				Complete if Known	
				Application Number	10/805,683
				Filing Date	March 10, 2004
				First Named Inventor	SPANGLER, Charles W.
				Art Unit	1616
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	A-72170-1

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	C14	OLEINICK, N.L., et al., "PDT-induced apoptosis: What are the critical molecular targets?" Prog. Biomed. Optics Proc. SPIE, 2001, 4248:132-137.		
	C15	OLEINICK, N.L., et al., "Stress-activated signaling responses leading to apoptosis following photodynamic therapy", Prog. Biomed. Optics Proc. SPIE, 1998, 3247:82-88.		
	C16	SPANGLER, C.W., et al., "Nanophotonic Ensembles for targeted Multi-photon Photodynamic Therapy", Nanobiophotonics and Biomedical Applications, Proc. SPIE, 2004, 5331:84-91.		
	C17	WACHTER, E.A., et al., "Simultaneous Two-Photon Excitation of Photodynamic Therapy Agents", Proc. SPIE, 1998, 3269:68-75.		

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and selection option 2